UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,759	02/05/2002	Athanassios Diacakis	010763	9242

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Mark G. Knedeisen, Esq.
Kirkpatrick & Oliver Building
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312

EXAMINER
HO, THOMAS M

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

X

	Application No.	Applicant(s)
Office Action Summary	10/068,759	DIACAKIS ET AL.
	Examiner	Art Unit	
	Thomas M. Ho	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>12/20/02, 7/25/03</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   *Claims 1-40 are pending.*

Claim Objections

2.   Claim 7 is objected to for the minor grammatical informality. The Examiner has read this

claim as "retrieving a second profile for the individual based on an input regarding a change in

[the] situation of the individual;"

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over "IRC FAQ".

In reference to claim 1:

"IRC FAQ" discloses a method for communicating communication network availability

information regarding an individual to at least one subscriber of the individual's availability

information, comprising:

- Detecting whether the individual is present on at least one communication network,

  where the individual is detected whether he or she is on the network either by using a

WHOIS command or NOTIFY ("/WHOIS" command", page 8) & ("/NOTIFY"
Command, page 10)

- Determining availability of the individual for each access level of a profile of the
  individual, where the availability will be determined each access level, such as
  determining whether the user is active or away. ("/WHOIS" command", page 8) &
  ("/NOTIFY" Command, page 10)

- Printing via a network the availability of the individual to the subscriber based on an
  access level of the subscriber and the presence information, where the information is
  published to the user who makes request through the commands ("/WHOIS" command",
  page 8) & ("/NOTIFY" Command, page 10) and where the information is still further
  printed in the chatroom, where users are depicted with their access levels depending if
  they are Ops or "voiced" (page 16)

- Filtering the availability of the individual when it is detected that the individual is no
  longer present on the communication network. ("/WHOIS" command", page 8) &
  ("/NOTIFY" Command, page 10) the availability is still further "filtered" when a person
  has quit and the information about the availability of that user is changed. (page 14,
  netsplit) and ("/QUIT" command, page 8)

IRC FAQ fails to explicitly disclose that the user availability is "published", however it does

show it being printed to a screen. While it might be argued that such printing is not

"publishing", to avoid contention, the Examiner has rejected such publishing as being obvious

under 35 USC 103 over "IRC FAQ" which depicts a "printing".

It would have been obvious to one of ordinary skill in the art at the time of invention to publish

the information in order to make it widely known and available to users on a network.

In reference to claim 2:

"IRC FAQ" discloses the method of claim 1, wherein detecting whether the individual is present

is performed after determining availability, where after a user determines someone is around,

they can use the WHOIS command to detect if the individual is present ("/WHOIS" command")

In reference to claim 3:

"IRC FAQ" discloses the method of claim 1, wherein detecting whether the individual is present

is performed prior to determining availability, where before a user determines if the individual is

present, the individual can be placed in a notify list which will detect for the present user.

("/NOTIFY" Command)

In reference to claim 4:

"IRC FAQ" discloses the method of claim 1, wherein:

- Publishing includes publishing an address for the individual for the communication

  network; ("/WHOIS" command", page 8) & ("/NOTIFY" Command, page 10)

- Filtering includes ceasing to publish the address when it is detected that the individual is no longer present on the communication network. ("/WHOIS" command", page 8) & ("/NOTIFY" Command, page 10)

In reference to claim 5:

"IRC FAQ" discloses the method of claim 4, wherein detecting includes detecting whether the individual is present on a communication network consisting of a public switched telephone network, a computer network, and a wireless communication network ("/WHOIS" command") where the WHOIS command determines whether the user is on the IRC computer network.

In reference to claim 6:

"IRC FAQ" discloses the method of claim 5, further comprising retrieving the profile of the individual prior to publishing the availability, where the information is inherently retrieved before it is printed to the screen ("/WHOIS" command")

In reference to claim 7:

"IRC FAQ" discloses the method of claim 6, further comprising:

- Retrieving the second profile for the individual based on an input regarding a change in [the] situation of the individual ("/WHOIS" command")

- Determining updated availability of the individual for each access level of the second profile; ("/WHOIS" command")

- Publishing the updated availability of the individual to the subscriber based on the access level of the subscriber and the presence information. ("/WHOIS" command")

Claims 8-14 are substantially similar to claims 1-7 and are rejected for the same reasons, respectively.

Claim 38 is rejected for the same reasons as claim 2.

Claim 37 is rejected for the same reasons as claim 3.

Claim 17, 24 are rejected for the same reasons as claim 4.

Claim 18, 25 are rejected for the same reasons as claim 5.

Claims 15, 16, 19, 22, 23, 30, 31, 33, 35, 36 are rejected for the same reasons as claim 1.

Claims 20, 21 are rejected for the same reasons as claim 7.

Claim 39 is rejected for the same reasons as claim 2.

In reference to claim 26:

"IRC FAQ" fails to disclose the presence and availability management server of claim 24, wherein the presence detection engine is in communication with an SS7 network of a public switched telephone network.

SS7 as understood in the art is *Signalling System #7* (SS7), a set of digital-telephony protocols that were first defined by ITU-T during 1981 in ITU-T's Q.7XX-series recommendations. Signaling System #7 is used to set up the vast majority of telephone calls in the publicly-switched telephone networks (PSTNs) operated within industrialized nations. SS7 negotiates

routes for telephone calls via packets of consecutive zeros and ones, arranged in multiples of

eight, called octets. It is usually abbreviated to **SS7**. In some European countries, specifically the

United Kingdom, it is sometimes called **C7**(CCITT number 7) and is also known as **number 7**

and **CCIS7**. (ITU-T was formerly known as CCITT.)

As far as the Examiner can determine, such technology is used in the vast majority of

communications for PSTNs. The Applicant is claiming a more specific detail, however, this

detail appears to be widely used in telephonic communications.

Just as accessing IRC and the Internet, is widely known to be performed through a telephone

network, so too would the use of prevalent protocols and messaging systems of common usage in

telephonic communications be obvious when accessing the Internet through telephonic

communications. The applicant's claim would appear to amount to having a particular Internet

client or server be in communication with another entity over the Internet that happens to be

connected to the Internet using a telephone service.

It would have been obvious to one of ordinary skill in the art to have the presence detection

engine to be in communication with an SS7 network of a PSTN, because PSTN is widely used as

the hardware basis for Internet communications.

In reference to claim 27:

"IRC FAQ" fails to disclose the presence and availability management server of claim 24,

wherein the presence detection engine is in communication with a home location register of a

wireless telephone network.

The Examiner notes that a home location register in accordance with a wireless telephone

network, as understood in the art is a system through which a wireless client can connect to have

access to the greater network. For example, a wireless handheld, in order to access the internet

or call someone else would need to be processed or authenticated through a home location

register first.

IRC is performed through the Internet.

It would have been obvious to one of ordinary skill in the art at the time of invention to connect

to IRC using a wireless telephone network, and thereby use a home location register in order to

access the IRC chat through a more portable means.

In reference to claim 28:

"IRC FAQ" discloses the presence and availability management server of claim 24, wherein the

presence detection engine is in communication with a short messaging server center. ("/MSG,

/QUERY. /NOTICE", pages 9-10)

In reference to claim 29:

"IRC FAQ" discloses the presence and availability management server of claim 24, wherein the

presence detection engine is in communication with a gateway GPRS support node (GGSN).

In reference to claim 32:

"IRC FAQ" discloses the presence and availability management server of claim 31, wherein the

server includes a database and wherein the profile of the individual is stored in the database.

(page 12, Item 33, page 13, Item 38 "registration of nickname by nickserv")

The examiner takes official notice that storing registered user information in a database was well

known at the time of invention. It would have been obvious to one of ordinary skill in the art to

user a database to store user profiles in order to provide a common storage place where such

information could be easily accessed.

In reference to claim 34:

"IRC FAQ" discloses the presence and availability server of claim 39, wherein a plurality of

profiles is stored in the database, each profile corresponding to a different situation for the

individual. (page 12, Item 33, page 13, Item 38 "registration of nickname by nickserv")

It would have been obvious to one of ordinary skill in the art to user a database to store user

profiles in order to provide a common storage place where such information could be easily

accessed.

Claim 40 is rejected for the same reasons as claim 34.

Conclusion

5.   The following art not relied upon is made of record

-   "mIRC FAQ", May 7th, 2000, pages 1-11, mIRC.com archive.org snapshot is an FAQ describing mIRC, a popular chat client, and the website where "IRC FAQ" is taken from.

-   "AOL Instant Messenger 4.0" May 10th, 2000, www.AIM.com archive.org snapshot discloses the ubiquitous AOL instant messenger, a chat system with a buddy list to inform other users when another user would come on, log off, or be away. It is used by millions of people world wide.

-   US 6,449,344 is a communication system patent by AOL used for communicating through messages between users.

6.   Any inquiry concerning this communication from the examiner should be directed to

Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be

reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
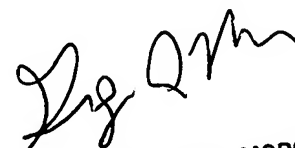
Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (571)272-2100.

| General Information/Receptionist | Telephone: 571-272-2100 | Fax: 703-872-9306 |
| Customer Service Representative | Telephone: 571-272-2100 | Fax: 703-872-9306 |

TMH

August 5th, 2005

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100